

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

UNITED STATES OF AMERICA,	:	
	:	
Plaintiff,	:	
	:	
v.	:	Criminal Action No. 08-122-GMS
	:	
LLOYD STAFFORD,	:	
	:	
Defendant.	:	

**MOTION TO ENLARGE THE TIME FOR THE FILING OF PRE-TRIAL MOTIONS
AND TO WAIVE THE APPLICATION OF THE SPEEDY TRIAL ACT**

Defendant, Lloyd Stafford, by and through his undersigned counsel, Christopher S. Koyste, hereby moves the Court to issue an order that enlarges the time period for the filing of pre-trial motions by 32 days and excludes this time period from the Speedy Trial Act calculations. This 32 day time period will allow the Defense additional time to review discovery, perform legal research, and conduct an investigation to support the filing of pre-trial motions in this case. Counsel submits the following in support thereof:

1. Mr. Stafford entered the Delaware Federal Courthouse on June 2, 2008 to attend his own 341 Bankruptcy Hearing. He declared two box cutters to courthouse security and placed his briefcase on the conveyer belt for inspection. During an x-ray of the bag a small derringer pistol was seen in the briefcase, causing Mr. Stafford to be taken into custody without incident. On June 3, 2008 he was charged via a Complaint with Knowingly Possessing a Firearm in a Federal Facility in violation of Title 18 U.S.C. Section 930(e)(1). Mr. Stafford was released from Federal custody on August 4, 2008 after a Preliminary Hearing at which time it was determined that probable cause was lacking to support the Complaint.

2. Mr. Stafford asked to participate in the Grand Jury process in this case. Although he was not allowed to testify a second time by the Government, he was permitted to give information to and be questioned by the Grand Jury. On July 1, 2008 Mr. Stafford explained to the Grand Jury that he did not knowingly bring a firearm into the Federal Courthouse, as it was a mistake in that he forgot to previously remove the firearm from his briefcase and was not aware that it was still in his briefcase. On August 5, 2008 Mr. Stafford was indicted by the Grand Jury for allegedly violating Title 18 U.S.C. Section 930(e)(1).

3. On August 14, 2008 Mr. Stafford was arraigned and entered a plea of not guilty to the Indictment. Also on this date Mr. Stafford was given discovery which is rather voluminous in that it slightly exceeds 500 pages of documents and includes a dvd of the incident.

4. Pre-trial motions are due on August 28, 2008 without leave from the Court. Mr. Stafford respectfully requests additional time to review discovery, perform legal research, and conduct an investigation to support the filing of pre-trial motions in this case. Mr. Stafford moves to enlarge the time period for the filing of pre-trial motions an additional 32 days, making pre-trial motions due no later than Monday September 29, 2008. Mr. Stafford also informed Counsel by email that he wishes to waive the application of the Speedy Trial Act in relation to this request for an enlargement of time. Thus, Mr. Stafford also moves for the exclusion these 32 days as calculated under 18 U.S.C. Section 3161(c)(1), and asserts that such a time exclusion's in the interests of justice.

5. AUSA Lesley Wolf does not oppose a 7 day enlargement of time, but is not in agreement with the Defense's request of 32 days.

WHEREFORE, Mr. Stafford respectfully requests the Court to issue an order that enlarges the time period for the filing of pre-trial motions by 32 days and excludes this time period from the Speedy Trial Act calculations.

/S/

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Dated: August 28, 2008

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FOR THE DISTRICT OF DELAWARE

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Plaintiff,	:	
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LLOYD STAFFORD,	:	
	:	
Defendant.	:	

ORDER

Having considered Defendant's Motion,

IT IS HEREBY ORDERED this ____ day of _____, 2008, that Defendant's Motion is **GRANTED** and the time period for the filing of pre-trial motions is enlarged an additional 32 days and excluded from the Speedy Trial Act calculations. Pre-trial motions are to be filed on or before September 29, 2008.

Chief Judge Gregory M. Sleet

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CERTIFICATE OF SERVICE

Undersigned counsel certifies that this Motion to Enlarge the Time for the Filing of Pre-Trial Motions and Waive the Application of the Speedy Trial Act is available for public viewing and downloading and was electronically delivered on August 28, 2008 to:

Lesley Wolf, Esquire
Assistant United States Attorney
1007 Orange Street, Suite 700
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_____/S/
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Dated: August 28, 2008